

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERNEST LEE COX, Jr.,
Plaintiff,

v.

VASUKI DARAM, et al.,
Defendants.

No. 2:20-cv-1295 KJM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se. In an order filed January 13, 2021, this court stayed these proceedings pursuant to the court's Alternative Dispute Resolution program. (ECF No. 29.) A settlement conference was scheduled before Magistrate Judge Carolyn Delaney for March 22, 2021. (ECF No. 30.) On February 17, 2021, this court issued a Writ of Habeas Corpus ad Testificandum for plaintiff's presence by Zoom video conferencing at the settlement conference. (ECF No. 31.)

Plaintiff now seeks to supplement his first amended complaint. Plaintiff's motion will be considered a motion to amend the first amended complaint. This court will order a response from defendants. This court recognizes that plaintiff's motion does not comply with the rules requiring that a motion to amend be accompanied by a copy of a second amended complaint. However, plaintiff's motion is sufficiently specific that defendants can address it. If plaintiff's motion is granted, this court will require plaintiff to submit a second amended complaint.

Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. The stay of these proceedings is lifted;

2. The settlement conference scheduled for March 22, 2021 before Magistrate Judge Delaney is vacated;

3. The Writ of Habeas Corpus ad Testificandum issued February 17, 2021 is vacated; and

4. Within thirty days of the filed date of this order, defendants shall file a response to plaintiff's February 18, 2021 motion. Within thirty days after he is served with defendants' response, plaintiff may file a reply.

Dated: March 3, 2021


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DB/prisoner-civil rights/cox1295.vacate adr